

IN THE DRAWINGS

Applicants propose amending the drawings in the application as shown in the attached Replacement Figure 2. Specifically, free areas in Figure 2 have been labeled “F” to more clearly indicate an unattached, floating relationship in these areas F between the front portion 20 and the first and second lateral sections 28,29. Applicants respectfully submit that the originally filed Figure 2 supports this change and that no new matter has been added. Moreover, Applicants have amended the Specification as indicated herein to address paragraph 13 of the Advisory Action. Therefore, Applicants respectfully request entry and consideration of Replacement Figure 2.

REMARKS

In the Office Action of January 4, 2005, the disclosure was objected to because a description of the claimed invention is allegedly not commensurate with the claims; Claims 22-24 were objected to for alleged informalities and also rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention; Claims 22-24 were also rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement; and Claims 1, 3-5, 8-12, and 21-24 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Romare (U.S. Pat. No. 6,027,484). In an Advisory Action of March 29, 2005, Applicants' proposed amendments were not entered as allegedly raising new issues.

In response to the Final Office Action with respect to the objections to the disclosure, Applicants wish to thank the Examiner for her close attention to detail. Applicants have amended the Summary of the disclosure such that the description of the claimed invention and the claims are commensurate pursuant to MPEP §§ 608.01 and 1302.01. Applicants respectfully submit that the amended Summary addresses the objections without adding new matter since all claim elements are supported by the originally filed specification, claims and drawings. For instance, in the originally filed Specification on page 4, lines 18-23, and page 11, line 30 continuing to page 12, line 14, "strength of attachment" with respect to not fracturing the front portion 20 of the invention is set forth. Accordingly, Applicants respectfully request removal of the objections to the disclosure and entry of the amended Summary.

Applicants also wish to thank the Examiner for her close attention to detail regarding status identifiers for the claims. Applicants have indicated parenthetically herein that Claims 6-7 and 13-14 are withdrawn.

Applicants further wish to thank the Examiner for her time to discuss the Final Office Action with Applicants' attorney on April 12, 2005, particularly regarding Replacement Figure 2.

Regarding the objection to Claims 22-24 due to informalities, Applicants have amended Claims 22 and 24 to more particularly point out and distinctly claim aspects of the attachment sites, the front portion, and free areas. For the reasons stated below, Applicants respectfully request removal of the objection and reconsideration of Claims 22-24.

Regarding the rejection of Claims 22-24 under 35 U.S.C. § 112, second paragraph, Applicants have amended the claims to obviate the rejection. Specifically, Claim 22 has been amended to more particularly point out and distinctly claim that the releasable fasteners 31A,B as shown in Figures 1 and 2 are fastened to the fastener receptive area 56 on the front portion 20 in this aspect of the invention. Similarly, Claim 24 has been amended to more particularly point out and distinctly claim that each of the first and second lateral sections 28,29 are free from attachment at a free area F disposed between the releasable fastener 31A,B at the respective inner portion 36A,B and the attachment site 46 adjacent the first and second side edges 23,25 of the front portion 20 as shown in Figures 1 and 2. Thus, Applicants respectfully request removal of the rejection and reconsideration of Claims 22-24.

Applicants respectfully traverse the rejection of Claims 22-24 under 35 U.S.C. § 112, first paragraph. The Applicants respectfully direct the Examiner's attention to the originally filed application for support of the claim language in Claim 22. For example, the originally filed Figure 2 and Specification at page 13, lines 20-21 and 32-33 continuing to page 14, line 5, convey to the skilled artisan that the front portion 20 is extensible and therefore stretchable relative to the fastener receptive area 56 and/or the attachment sites 46. Regarding Claim 24, the

skilled artisan will instantly appreciate that first and second lateral sections 28,29 are free from attachment to the front portion 20 at the free area F disposed between the releasable fastener 31A,B at the respective inner portion 36A,B and the attachment site 46 adjacent the first and second side edges 23,25 of the front portion 20 as shown in Figures 1 and 2.

Applicants respectfully submit that Claims 1, 3-5, 8-12, and 21-24 are patentable over Romare. Claim 8, for instance, recites in pertinent part strength of attachment at the attachment sites of the outer portions of the first and second lateral sections that are sufficiently weak to separate the attachment sites to adjust the releasable fastener without substantially fracturing the front portion. Romare does not disclose or suggest each and every element of Claim 8.

In contrast to Claim 8, Romare must fracture the front portion at separating line 12 and multiple glue points 10 in order to adjust fasteners 15, 16 on the fastener 17. See e.g., Figures 1 and 2 of Romare. Moreover, Applicants respectfully submit that the disclosed fasteners 15, 16 can only be adjusted away from the separating line 12 on the fastener 17. The cited reference is thus substantially different from Claim 8 and due to its deficiencies does not anticipate Claim 8. Accordingly, Applicants respectfully request that the Examiner indicate the allowability of Claim 8, and its dependent Claims 1, 3-5 and 9-14.

Applicants respectfully submit that Claim 22 as amended is patentable over Romare. Claim 22 recites in pertinent part first and second lateral sections configured to be stretchable relative to the fastener receptive area with the releasable fastener fastened in the fastener receptive area when the personal care article is worn as a pant; wherein strength of attachment at said attachment sites of said outer portions of said first and second lateral sections to said front portion is sufficiently weak such that said attachment sites can be separated from said front portion without fracturing said front portion, the attachment sites when intact configured to

stabilize the first and second lateral sections relative to said longitudinal axis, said attachment sites being attached at each lateral section such that respective attachment sites move with respective lateral sections as the lateral sections stretch away from or toward said longitudinal axis when the personal care article is worn as the pant. Applicants respectfully submit that Romare does not disclose each and every element of Claim 22.

Romare does not teach strength of attachment and attachment sites as presently claimed. Further, Applicants respectfully submit that the male parts 15,16 of Romare when attached to the female part 17 do not stretch, nor do the multiple glue points 10 stretch with the material 14 as in the invention of present Claim 22. Applicants respectfully submit that the glue points 10 inhibit the material 14 from stretching.

Regarding the Response to Arguments in the Office Action, Applicants respectfully direct the Examiner's attention to line 20 on page 13 continuing to line 1 on page 14 of the original Specification in which the first and second lateral sections are stretchable relative to the fastener receptive area with the releasable fastener fastened in the fastener receptive area. Applicants also direct the Examiner's attention to Figure 2, which shows that when the attachment sites 46 are intact, the attachment sites 46 will "ride" with the first and second lateral sections 28,29 as the first and second lateral sections 28,29 stretch away from or toward the longitudinal axis when the personal care article is worn as the pant. Applicants respectfully submit that none of the glue points 10 of Romare can move relative to its line 12 without being broken as shown in Figure 1 of Romare. Thus, Applicants respectfully submit that Romare does not anticipate Claim 22 and respectfully request the removal of the rejection to Claim 22 and allowance of Claims 22-24.

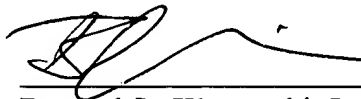
Applicants respectfully submit that the present Amendment places the application in complete condition for allowance and respectfully request allowance of Claims 1, 3-5, 8-12, and 21-24.

If the Examiner has any questions upon consideration of this Amendment, the Applicants invite the Examiner to contact the undersigned at the Examiner's convenience.

Please charge any fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,
DORITY & MANNING, P.A.

4/29/05
Date


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